

S.B.CIVIL WRIT PETITION NO. 604/1999

M/s Transmission Engineers Vs. R.S.E.B. & Ors.
Pvt. Ltd.

DATE OF ORDER :: 17th July, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Tarun Joshi, for the petitioner.
Mr. Manoj Bhandari, for the respondents.
Mr. Arun Bhansali,

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The Superintending Engineer, TLPC, Rajasthan State Electricity Board, Jaipur issued a notice inviting tender No.3395 for construction of 132 K>V. Transmission Lines right from survey to commissioning on labour contract basis for 10 numbers of lines. The contract in pursuant to notice inviting tenders referred above was given to the respondent No.4 and 5. By this petition for writ the same is under challenge with prayer that reads as under:

- (i) The action of the respondents in finalizing the bids on the basis of the counter offer made by it vide its letter dated 4.12.1998, ignoring the claim of the petitioner may kindly be quashed and set aside; and
- (ii) the respondents may kindly be directed to award contract and issue Letter of Intent to the lowest tenderer at the time of opening of the tender document on 24.9.1998.

While issuing notice to the respondents on 25.2.1999 by an interim order this Court restrained the respondents from acting upon the Letter of Intent issued to the contractors those are respondents No. 4 and 5. The writ petition, thereafter, was dismissed in default and that

came to be restored by an order dated 19.5.2000. While restoring the writ petition the restoration of stay petition was denied by the Court. As a consequent to rejection of stay petition the respondents were at liberty to act upon the Letters of Intent issued in favour of respondent No.4 and 5. Accordingly the same was done. It is stated by learned counsel for the respondent No.5 that the entire work that was given on contract has already been completed, and therefore, nothing survives in the matter.

From the record I find that much back in the year 2000 by submitting an additional affidavit an statement was given on behalf of respondent No.5 that on receipt of purchase order dated 8.10.1999 the agreement to RSEB was submitted on 13.10.1999. Substantial work, thereafter, was completed and a sum of Rs.7 lacs approximately was also paid to the respondent No.5 by the official respondents.

In view of the statement that the work awarded on contract has already been completed, I am of the view that nothing survives in the matter for adjudication and the petition for writ has become infructuous.

Accordingly, this petition for writ is dismissed.

(GOVIND MATHUR), J .

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